

DHEC FAQs

Food Service FAQs

Q1 -- Do you require a Retail Food Establishment permit for catering out of my home?

All catering operations are required to obtain food service permits prior to opening. They must comply with the same regulations as all retail food establishments - see [SC Regulation 61-25 Retail Food Establishments](#) for details.

The caterer can have a separate commercial kitchen as part of but separate from the living part of their home, if local zoning officials allow. You may contact your Regional Environmental Health Service Office for assistance in assessing the ability to convert an area at your home into a commercial type kitchen. This kitchen must be separate from the one that you and your family uses to prepare meals. Food prepared in a private home may not be used or offered for human consumption in a retail food establishment.

Q2 -- Does a home bakery require a Retail Food Establishment permit?

Dependent upon the food prepared, a Retail Food Establishment permit may be required. There are some exceptions outlined in the SC Retail Food Establishment Regulation 61-25, Section 8-301.12. If someone desires to sell food as a home-based food production operation, (also called the South Carolina Cottage Food Bill- Code of Laws of SC, section 44-1-143 (pdf or word document)) they must apply to the SC Department of Agriculture for an exemption from inspection and label review. Home-based food production operation means an individual, operating out of the individual's dwelling, who prepares, processes, packages, stores and distributes nonpotentially hazardous foods for sale directly to a person.

If someone wants to sell time/temperature control for safety foods (previously called potentially hazardous foods), then a Retail Food Establishment permit will be required prior to opening. They must meet the same standards as all Retail Food Establishments, including a separate kitchen for baking. Food prepared in a private home shall not be used or offered for human consumption in a Retail Food Establishment. Permit requirements are found in the [SC Retail Food Establishment Regulation 61-25](#).

Also, if you do not plan to sell retail, but are going to sell to other permitted facilities like convenience stores or restaurants, then you will need to contact the SC Department of

Agriculture for instructions and requirements. Please be aware that you should also check with local zoning officials to see if you may operate a business out of your home.

Q3 -- What are “Special Process” Cooking styles?

A retail food establishment shall obtain a variance from SC DHEC before:

1. Smoking food as a method of food preservation rather than as a method of flavor enhancement;
2. Curing food;
3. Using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement, or to render a food so that it is not a time/temperature control of safety food;
4. Packaging time/temperature control for safety food using a reduced oxygen packaging method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled;
5. Custom processing animals that are for personal use as food and not for sale or service in a food establishment;
6. Preparing food by another method that is determined by the Department to require a variance; or
7. Sprouting seeds or beans.

Q4 -- What is the difference between a Preoperational inspection and a Routine inspection?

The preoperational inspection(s) is conducted to verify that the retail food establishment is constructed and equipped in accordance with the [Retail Food Establishment Regulation 61-25](#). The permit holder or representative of the permit holder must request the preoperational inspection fourteen (14) days prior to an inspection to issue a permit. It is scheduled with the SC DHEC Regional Environmental Health Service Office. Routine inspections are unannounced, full and comprehensive evaluation visits of the entire physical establishment and all aspects of safe food handling practices in an establishment once the permit is obtained. The rating score for this type of inspection is reflective of violations normally cited on an unannounced visit and sometimes may result in a lowered rating score.

Q5 – How can I get further assistance?

Questions relating to SCBOS or the completion of the application can be directed to SCBOS Customer Assistance at (803) 898-5690. Questions relating to Regulation 61-25: Retail Food Establishment can be directed to SC DHEC, Division of Food Protection and Rabies Prevention at (803) 896-0640.

Q6 -- Can I transfer a Food Service Permit to a new owner?

No, a permit may not be transferred from one person, or legal entity to another person or legal entity, from one retail food establishment to another, or from one type of operation to another if the food operation changes from the type of operation specified in the application and the change in operation is not approved or authorized. Permits are issued to the owner of the proposed retail food establishment or an officer of the legal entity owning the proposed retail food establishment. The new owner will need to submit a Retail Food Establishment Application & Permit Document through SCBOS or through the Regional Environmental Health Service office and pay the \$60 inspection fee. The Regulation 61-25: Retail Food Establishment is available on the [DHEC website](#).

Q7 -- Under what conditions must I obtain a DHEC Retail Food Establishment permit?

A Retail Food Establishment is defined as any operation that prepares, processes, packages, serves or otherwise provides food for human consumption, either on or off the premises, regardless of whether there is a charge for the food. These establishments include, but are not limited to, restaurants, delicatessens, snack bars, catering operations, ice cream parlors, school cafeterias, independent living food service operations, licensed healthcare facilities, temporary food establishments, grocery stores, retail meat markets, fish/seafood markets, retail ice merchants, shared use operations, mobile food establishments (to include the associated commissary and mobile units). No person shall operate a retail food establishment without a valid permit issued by SC DHEC. There are some types of establishments that are not required to have a permit. This information is outlined in Section 8-301.12 of the SC Retail Food Establishment Regulation 61-25. The complete set of regulations are available online at the [DHEC website](#).

Q8 -- Can I prepare additional foods in my barbeque pit room?

No additional food preparation or processing activities shall be permitted in the pit room unless there is full compliance with all construction requirements pertaining to food preparation rooms.

Regulation 61-25 Retail Food Establishments is [available online](#).

The Barbecue Pit and Pit-Cooking Room Construction standards are found in Chapter 9 (9-7).

Q9 -- What can I read that will give me information about compliance?

The most comprehensive document is [Regulation 61-25: Retail Food Establishments](#).

Chapter 1 – Purpose and Definitions

Chapter 2 – Management and Personnel

Chapter 3 – Food

Chapter 4 – Equipment, Utensils, and Linens

Chapter 5 – Water, Plumbing, and Waster

Chapter 6 – Physical Facilities

Chapter 7 – Poisonous or Toxic Materials

Chapter 8 – Compliance and Enforcement

Chapter 9 – Standards for Additional Retail Food Establishment Operations

Another guidance tool is the [Good Manufacturing Practices Guide](#).

Q10 -- How should my barbeque pit/room be constructed?

Room Construction: All sides and the ceiling of the pit room shall be completely enclosed. Screening may be used above wainscot height four (4) feet on walls and must be at least sixteen (16) mesh per inch. All outside openings shall be protected against insects by tight-fitting, self-closing doors, closed windows, screening, approved fly fans, or other means. Canvas flaps or other effective devices may be required to protect against blowing contamination. A large tight fitting garage door may be allowed without a self-closer, but shall remain closed during cooking operations. Floors of pit-cooking rooms, excluding pit floors, shall be constructed of smooth, durable materials such as sealed concrete, quarry tile, vinyl floor covering, or other approved material. Floors shall be maintained in good repair. Floors approved for water flushing, such as quarry tile or sealed concrete, shall be graded to floor drains, and shall have junctures between walls and floors sealed. Interior walls shall have smooth, easily cleanable, and washable surfaces to at least wainscot height (4 feet). If screening is used above wainscot, studs and other exposed bracing shall be sealed or painted. Concrete blocks or other masonry products used for wall construction shall be trowelled, skim-coated, or receive sufficient coats of full strength block filler to render a smooth surface prior to the application of a washable paint. Ceilings shall be finished to provide a smooth, nonabsorbent, and easily cleanable surface. Trusses and rafters shall not be exposed. Ceiling joists shall be properly sealed. Pit-cooking rooms shall be

ventilated and kept reasonably free of excessive heat, vapors, smoke, and fumes by ventilating the pit itself or by ventilating the room. Pit ventilation can be achieved by a chimney or duct using dampers, pit doors, or other devices to control airflow. Pit-cooking rooms may be ventilated by a cathedral ceiling with screened roof-ridge vents, mechanical exhaust fans, or other effective methods approved by the Department, when pits are not directly vented to the outside. At least twenty (20) foot-candles of light shall be provided at all working surfaces, including the hand washing sink.

Cooking Pit and Cooker Construction: Cooking pit floors may consist of a solid base of compacted clay with a top layer of clean sand to absorb grease drippings. Sand shall be replaced as necessary to maintain a safe and sanitary condition. Pit floors may also be constructed of concrete, firebrick, or other material that can be cleaned and maintained. Cooking pit walls (exterior sides only) shall be smooth, easily cleanable, and washable. Concrete blocks or other masonry products used for pit construction shall be trowelled, skim coated, or receive sufficient coats of full strength block filler applied to the exterior wall prior to the application of a washable paint. Pit grills, grates, and other supports shall be constructed of smooth, easily cleanable, nonabsorbent, and non-toxic material and shall be in sections that are easily removable for cleaning. Hog wire, chicken wire, hardware cloth, and similar materials that are not galvanized or have welded joints, are permitted for single-use only and shall be discarded after each cooking period. Expanded metal and cast iron grating are recommended materials that can be cleaned and maintained. Pit covers shall be single-use or shall be constructed of a smooth, easily cleanable, nonabsorbent, and non-toxic material. The use of cookers and mobile cookers in lieu of a barbecue pit shall require the prior approval of SC DHEC. These units shall be located in the pit room.

Regulation 61-25 Retail Food Establishments is [available online](#).

The Barbecue Pit and Pit-Cooking Room Construction standards are found in Chapter 9 (9-7).

Q11 -- Do you require a Retail Food Establishment permit for each mobile unit?

Yes. A mobile food establishment consists of a commissary and mobile food unit(s) or mobile food pushcart(s). A commissary is a permitted retail food establishment that is authorized by SC DHEC to provide support of operations, storage, and servicing area for mobile food units or mobile food pushcarts.

Mobile food units are fully enclosed mobile kitchens that may prepare, cook or serve time/temperature control for safety foods as an extension of a retail food establishment. A

mobile food unit must be permitted by SC DHEC in order to operate from a retail food establishment.

Mobile food pushcarts are limited food service units that operate as a direct extension of a commissary. A mobile food pushcart must be permitted by SC DHEC in order to operate from a commissary.

Regulation 61-25 Retail Food Establishments is [available online](#).

The Mobile Food standards are found at the beginning of Chapter 9 (9-1).

Q12 -- How do I obtain a permit for fairs and festivals?

The Event Coordinator of the Temporary Food Service Establishment, Community Festival or South Carolina Farmers Market and Seasonal Series shall request authorization for food vendors by completing the [Retail Food Establishment Application for Event Authorization \(Form 1717\)](#).

Q13 -- How should I transport my prepared food?

All food items shall be protected from contamination during transportation, storage, cooking, display and service. Time/temperature control for safety food shall be maintained at 135°F or above for hot holding temperature and the cold holding temperature shall be 41°F or below. These temperature requirements shall not be effective until two (2) years after the effective date of this regulation. During this two (2) year period, the cold holding temperature shall be 45°F or below and the hot holding temperature shall be 130°F or above. Adequate refrigeration or coolers shall be provided. A temperature measuring device shall be provided for cold holding units. Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or it's positioning in the ice or water.

Q14 -- What is a permit inspection?

Unlike a routine inspection, a permit inspection is one that is scheduled to issue a permit. An establishment that is ready to be permitted will have completed the [Retail Food Establishment Application & Permit Document](#) and the facility will have everything ready as if the establishment were ready to open on that day. For example, if all the refrigeration units in the establishment were not in working order, a permit would not be issued.

Q15 -- What happens next when I complete the DHEC Retail Food Establishment Application?

The information is sent through SC DHEC to the appropriate Regional Environmental Health Service Office that is going to perform the inspection for compliance with Regulation 61-25. Full compliance with the regulation is required prior to permit issuance. Be sure to keep a copy of the completed Retail Food Establishment Application & Permit Document as well as any additional documents that were either provided or referenced on the permit application.